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MAY 24 2005

U.S. DISTRICT COURT

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

The SCO Group, Inc., a Delaware Corporation,

Plaintiff

v.

Novell, Inc., a Delaware Corporation

Defendant.

CASE NO. 2:04CV00139 DAK

Appearing on behalf of:

Plaintiff

(Plaintiff/Defendant)

## MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Mark James, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: May, 2005

(Signature of Local Counsel)

(Utah Bar Number)

## APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, Sean Eskovitz, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i)     a non-resident of the State of Utah or, (ii)     a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Mark James as associate local counsel.

Date: May, 2005Check here     if petitioner is lead counsel.

(Signature of Petitioner)

Name of Petitioner: Sean EskovitzOffice Telephone: 914-749-8200

(Area Code and Main Office Number)

Business Address: Boies, Schiller & Flexner LLP

(Firm/Business Name)

333 Main Street

Street

Armonk

City

New York

State

10504

Zip

**BAR ADMISSION HISTORY**

<b>COURTS TO WHICH ADMITTED</b>	<b>LOCATION</b>	<b>DATE OF ADMISSION</b>
New York State Supreme Court	New York, NY	7/12/1999
United States District Court, Southern District of New York	New York, NY	10/02/2003
United States Court of Appeals, Second Circuit	New York, NY	12/10/2003
District of Columbia Court of Appeals	Washington, DC	04/03/1998
United States Court of Appeals, Fourth Circuit	Richmond, VA	06/03/1997
New Jersey Supreme Court	Trenton, NJ	04/25/1997

(If additional space is needed, attach separate sheet.)

**PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT**

<b>CASE TITLE</b>	<b>CASE NUMBER</b>	<b>DATE OF ADMISSION</b>
The SCO Group, Inc., v. IBM Corporation	2:03-CV-294 (DAK)	10/06/2004

(If additional space is needed, attach a separate sheet.)

**ORDER OF ADMISSION**~~FEE PAID~~  
*No Fee Required*

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 24<sup>th</sup> day of May, 2005.

  
U.S. District Judge

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
OFFICE OF THE CLERK OF COURT**

**Suite 150, Frank E. Moss United States Courthouse  
350 South Main Street  
Salt Lake City, Utah 84101-2180  
(801) 524-6100**

**PRO HAC VICE ADMISSION APPLICATION**

**INSTRUCTIONS**

**Admission Fee:** \$15.00 payable by check or money order to Clerk, U.S. District Court. Fee will cover membership for the duration of the case or twelve (12) months, whichever is longer. Pro hac applicants who paid the fee within the past 12 months and who are requesting admission to practice in a case other than that originally specified when the fee was paid should check the blank below and indicate the date of their most recent pro hac vice admission to this Court. *Applicants are required to complete and submit this form for each case in which they participate as pro hac vice counsel.*

☒ Applicant was previously admitted pro hac vice to this Court in case # 2:03-CV-294 (DAK); month of most recent pro hac vice admission and payment of fee was October, 2004.

**Application:** Please type or print legibly and complete all blanks.

**Designated Local Counsel:** Must be an active member in good standing of the Utah State Bar and the Bar of this Court.

**Mandatory Requirements:**

1. Provide and attach a separate list by number and title of all cases filed in this Court in which applicant has appeared as counsel in the past five years.
2. Type local counsel's name below the signature line and enter the bar number in the space provided.
3. If more than one attorney from the same firm is seeking pro hac admission in this case, please indicate which attorney will serve as lead counsel for purposes of receiving official court notices and other case-related documents.